

EXHIBIT 1

From: [Mitchell, David \(ENRD\)](#)
To: [daniel@sycamore.law](#); [kristina@sycamore.law](#); [jesse@sycamore.law](#); [pgregory@gregorylawgroup.com](#); [William Harrison](#); [jrf@atalawgroup.com](#)
Cc: [Brown, Lucy E. \(ENRD\)](#); [Paul Cirino \(ENRD\)](#) ([Paul.Cirino@usdoj.gov](#))
Subject: WOA - Def. Eleventh Production - Expert Report Documents
Date: Friday, January 24, 2025 9:43:00 PM

Hi Kristina,

Defendants' 11th production of documents is in the production box for this case. The documents are those considered by our experts that have not already been produced in discovery and are Bates stamped SGH0000001-62. They are in subfolder: United States Productions – Expert Report Production. The decryption key is: enrd-1234567-EDS. Documents considered but already produced are noted our expert disclosures. Please let us know if you have any problems accessing this production or have any other related issues. Thanks!

Best,
DM

David D. Mitchell
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From: Mitchell, David (ENRD)

Sent: Friday, December 13, 2024 7:25 PM

To: 'Kristina Hambley' <kristina@sycamore.law>; 'Jesse Colorado Swanhuysen' <jesse@sycamore.law>

Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; 'Daniel Cooper' <daniel@sycamore.law>; 'Philip Gregory' <pgregory@gregorylawgroup.com>; 'William Harrison' <wharrison@hamlaw.net>; 'Jason R. Flanders' <jrf@atalawgroup.com>; 'J. Thomas Brett' <jtb@atalawgroup.com>; Long, Lynn A CIV USN OGC WASH DC (USA) <lynn.a.long.civ@us.navy.mil>; 'Smith, Robert J CIV (USA)' <robert.j.smith2.civ@us.navy.mil>; 'McGurk-Fox, Elizabeth R CIV USN OGC WASH DC (USA)' <elizabeth.r.mcgurk-fox.civ@us.navy.mil>

Subject: WOA - Def. Tenth Production & Response to 5th Request for Documents

Hi Kristina,

Attached is the federal defendants' response to WOA's fifth set of requests for documents. We are concurrently producing the responsive documents. This tenth production is in the productions box for the WOA case with Bates stamped documents NAVY_0042047-86049 and USACE_0000001. They are in subfolder: United States Productions – 20241213. The decryption key is: enrd-1234567-EDS.

A few notes: To get these documents to you timely for expert reports we are doing a pass-through production. All of the documents are marked as highly confidential because we do not have time to identify exactly which ones have DCRIT and mark only those. Some of these documents may have been produced already in response to other documents requests. Finally, some documents already produced in response to other documents requests likely are responsive to the fifth set of document requests too.

If you have any issues accessing the box or the production, please let us know, and we will look into it ASAP. The interrogatory responses will be serve by the due date on Monday. Have a great weekend!

Best,
DM

David D. Mitchell
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From: Mitchell, David (ENRD)

Sent: Thursday, December 5, 2024 2:31 PM

To: Kristina Hambley <kristina@sycamore.law>; Jesse Colorado Swanhuysen <jesse@sycamore.law>

Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>; Long, Lynn A CIV USN OGC WASH DC (USA) <lynn.a.long.civ@us.navy.mil>; Smith, Robert J CIV (USA) <robert.j.smith2.civ@us.navy.mil>; McGurk-Fox, Elizabeth R CIV USN OGC WASH DC (USA) <elizabeth.r.mcgurk-fox.civ@us.navy.mil>

Subject: WOA - US Ninth Production

Hi Kristina,

The federal defendants' ninth production of documents is in the productions box for the WOA case with Bates stamped documents NAVY_30(b)(6)_0000001-4335. They are in subfolder: United States Productions – 30(b)(6) Document Production. The decryption key is: enrd-1234567-EDS. These documents are responsive to your discovery request that accompanied your 30(b)(6) deposition.

A few notes: to get these documents to you before the 30(b)(6) deposition we are doing a pass-through production. All of the documents are marked as highly confidential because we do not have time to identify exactly which ones have DCRIT and mark only those. Also, the custodian for most of the documents is marked NAVFAC/Navy Region Hawaii. For many document the custodian will be both. For some it may be one or the other. We cannot get the documents to you in time for the 30(b)(6) and provide the precise custodian. Finally, some of these document may have been produced already in response to other documents requests. We did not have time to remove documents already produced.

The document relevant to the deposition on the spending topics tomorrow is NAVY_30(b)(6)_0002107-2108. This spreadsheet contains the spending on repairs and maintenance at the facility subject to the CWA as follows: routine minor maintenance and repairs from 2022-2024, and larger scale maintenance and repairs from 2014-2024. Providing spending for routine minor maintenance and repairs from 2014-2024 is not proportionate to the needs of the case and not feasible given the short time window here because it would require opening many individual documents and reviewing to determine whether they are applicable or not. Unlike the larger pThere is no quick query that can provide this information. These three years provide a representative example of typical routine minor maintenance and repair spending.

If you have any issues accessing the box or the production, please let us know and we will look into it ASAP. See you tomorrow.

Best,
DM

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From: Mitchell, David (ENRD)
Sent: Wednesday, November 13, 2024 9:24 AM
To: Kristina Hambley <kristina@sycamore.law>; Jesse Colorado Swanhuysen <jesse@sycamore.law>

Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>; Long, Lynn A CIV USN OGC WASH DC (USA) <lynn.a.long.civ@us.navy.mil>; Smith, Robert J CIV (USA) <robert.j.smith2.civ@us.navy.mil>

Subject: RE: WOA - US Eighth Production

Hi Kristina,

The federal defendants' eighth production of documents is in the productions box for the WOA case with Bates stamped documents NAVY_0041474-42005. The decryption key is: enrd-1234567-EDS. These documents are responsive to WOA's fourth set of requests for production, requests 19 and 20.

One correction from the production email immediately below: The audit report responsive to WOA's fourth set of requests for production, request 18, was produced as part of that production is at Bates number NAVY_0041034-41132.

If you have any issues accessing or viewing this production, please let us know. We are available for questions. Thanks!

Best,
DM

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From: Mitchell, David (ENRD)

Sent: Friday, October 4, 2024 1:30 PM

To: Kristina Hambley <kristina@sycamore.law>; Jesse Colorado Swanhuysen <jesse@sycamore.law>

Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>;

Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William

Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett

<jtb@atalawgroup.com>; Long, Lynn A CIV USN OGC WASH DC (USA) <lynn.a.long.civ@us.navy.mil>;

Smith, Robert J CIV (USA) <robert.j.smith2.civ@us.navy.mil>

Subject: RE: WOA - US Sixth and Seventh Productions

Hi Kristina,

There are two productions of documents in the productions box for the WOA case. The decryption key for both is: enrd-1234567-EDS.

The productions in folder 20241001 are responsive to WOA's fourth set of requests for production, requests 14, 17, 19 and 20, Bates numbers NAVY_0041034-0041473. We are still looking into request 18. The delineation and gauging reports are the documents the Navy has responsive to requests 17, 19 and 20, insofar as they are responsive.

The site inspection photos are in the folder Site Inspection Photos. These are being produced in accordance with our agreement for your site inspection, not a request for production. I'm waiting to hear from Navy on the SD card.

For the Defueling Preparedness Report for request 13, we produced it in production 4 in response to one of your other requests for production, and it is Bates stamped NAVY_0017592. If you think that is the wrong document or something is missing, let us know.

Best,
DM

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intended recipient, please delete this e-mail, including attachments, and notify me by return mail, e-mail, or at (202)514-0165. The unauthorized use, dissemination, distribution or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.

From: Mitchell, David (ENRD)

Sent: Friday, February 9, 2024 11:16 AM

To: 'Kristina Hambley' <kristina@sycamore.law>; 'Jesse Colorado Swanhuysen' <jesse@sycamore.law>

Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; 'Daniel Cooper' <daniel@sycamore.law>; 'Philip Gregory' <pgregory@gregorylawgroup.com>; 'William Harrison' <wharrison@hamlaw.net>; 'Jason R. Flanders' <jrf@atalawgroup.com>; 'J. Thomas Brett' <jtb@atalawgroup.com>; Long, Lynn A CIV USN OGC WASH DC (USA) <lynn.a.long.civ@us.navy.mil>; 'Smith, Robert J CIV (USA)' <robert.j.smith2.civ@us.navy.mil>

Subject: WOA - US Fifth Document Production

Hi Kristina,

PDF versions of mapping documents have been produced to the production box for this case as a zipped file in folder: United States Productions - 20240209. The decryption key is: enrd-1234567-EDS. The noted documents are below. There is an additional document identified in the zipped file for the reasons noted below. These documents were produced in the United States Fourth Production. We are reproducing them as PDFs at your request to coordinate logistics of the site inspection. Please note that other documents may contain mapping information as figures in larger documents. The documents below are the documents we believe provide the information you are looking for in your third request for documents, except request 3 for the reasons provided in my prior email.

Facility Schematic – NAVY_0037700

TM Phase 2 Holding Tank Characterization – NAVY_0037741 (This document contains a map showing the pumping station and discharge the line to the GACs on page 30)

Groundwater Protection Plan Update – NAVY_0038951

Water Treatment System Schematic – NAVY_0040927

Additionally, there is a PDF document not zipped that we added to the box that is not Bates stamped. It is identical to the Water Treatment System Schematic at NAVY_0040927 but without the “preliminary” marking. We will produce this document as part of the next major production. It is not confidential so we can provide it now to show the prior produced version is accurate.

Best,
DM

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From: Mitchell, David (ENRD)

Sent: Wednesday, January 31, 2024 4:55 PM

To: Kristina Hambley <kristina@sycamore.law>; Jesse Colorado Swanhuysen <jesse@sycamore.law>

Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>; Long, Lynn A CIV USN OGC WASH DC (USA) <lynn.a.long.civ@us.navy.mil>; Smith, Robert J CIV (USA) <robert.j.smith2.civ@us.navy.mil>; Jesse Colorado Swanhuysen <jesse@sycamore.law>

Subject: WOA - US Fourth Document Production

Hi Kristina & Jesse,

We hope you are having a good week. Regulatory submissions responsive to your second request for production and mapping documents responsive to your third request for production are in the production box for this case in folder: United States Productions - 20240131. The decryption key is: enrnd-1234567-EDS. The documents are Bates range NAVY_0017591-40087. The gap in the Bates range from the last production is from recollecting documents. None have been withheld. Documents that have redactions are documents that were submitted to the regulator with redactions. There also should be unredacted copies in this production. Let us now if you have access issues.

The mapping documents can be found at the Bates numbers below. The rest of the documents are regulatory submissions.

Water Treatment System Schematic – NAVY_0040927

Facility Schematic – NAVY_0037700

Groundwater Protection Plan Update – NAVY_0038951

We are working on collecting the drinking water lab reports to produce. We should get those to you next week. We also are working on collecting the emails responsive to your second request for documents. It is possible that the responsive emails will be voluminous. We will let you know if the volume is very large. I will have a better sense on timing of the first rolling production for these emails next week.

Best,

DM

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From: Mitchell, David (ENRD)
Sent: Wednesday, January 24, 2024 4:47 PM
To: Jesse Colorado Swanhuysen <jesse@sycamore.law>
Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>; Long, Lynn A CIV USN OGC WASH DC (USA) <lynn.a.long.civ@us.navy.mil>; Smith, Robert J CIV (USA) <robert.j.smith2.civ@us.navy.mil>
Subject: RE: WOA - US Document Production

Hi Jesse,

The complete unredacted EPA UST Report documents are in the box for this case in the subfolder US Productions – 20240124. The decryption key is: enrd-1234567-EDS. Let us now if you have access issues.

Some notes about this document. The redactions that are in the document are part of the official unredacted copy of the document. Unredacted versions of the enclosures with redactions (E, J, K) are not responsive to your May 5, 2023, request for the UST report. However, we have produced unredacted copies of Enclosure E at NAVY_0012959 separately, and Enclosure K as part of the unredacted permit application production noted below. These documents were independently responsive to your May 5, 2023, request. Enclosure J is not though. The limited redactions on pages 41, 45, 82, and 118 in Enclosure J are confidential business information redactions that are part of the enclosures to the official document, which is noted in the cover letter and enclosures identification. I am available to discuss. Thanks!

Best,
DM

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Trial Attorney

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From: Mitchell, David (ENRD)
Sent: Friday, January 19, 2024 9:15 AM
To: Jesse Colorado Swanhuysen <jesse@sycamore.law>
Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>
Subject: RE: WOA - US Document Production

Hi Jesse,

The Red Hill UST permit documents are in the box for this case in the subfolder US Productions – 20240119. The decryption key is: enrd-1234567-EDS. We are available if there are any issues with the production. The UST report will be produced next week. The specific date depends on processing time into and out of Relativity.

Best,
DM

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From: Mitchell, David (ENRD)
Sent: Monday, November 6, 2023 1:29 PM
To: Jesse Colorado Swanhuysen <jesse@sycamore.law>
Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>
Subject: WOA - US Document Production

Hi Jesse,

The United States' production of documents has been loaded to the productions box in the subfolder United States Productions – 20231106. The decryption key is: enrd-1234567-EDS. The gaps in Bates numbers is from some documents being inadvertently loaded into Relativity twice. We did not produce the duplicates. We were able to resolve privilege issues so there should not be any privilege redactions. Please let us know if you have any issues accessing the documents or if there are any other issues. Thanks!

Best,
DM

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From: Mitchell, David (ENRD)
Sent: Thursday, November 2, 2023 8:10 PM
To: Jesse Colorado Swanhuysen <jesse@sycamore.law>
Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>
Subject: RE: [EXTERNAL] Wai Ola Alliance, et al. v. Department of Defense, et al.: Meet and Confer Request re: Document Production

Hi Jesse, we were able to put our production request in today so it should be ready tomorrow or Monday. I'll send you a note when we upload the load files to the production box.

Best,
DM

From: Mitchell, David (ENRD)
Sent: Wednesday, November 1, 2023 1:32 PM
To: Jesse Colorado Swanhuyser <jesse@sycamore.law>
Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Hill, Leslie (ENRD) <Leslie.Hill@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>
Subject: RE: [EXTERNAL] Wai Ola Alliance, et al. v. Department of Defense, et al.: Meet and Confer Request re: Document Production

This is likely going to be moot by early next week. We will provide our availability on Friday if we don't have the processing for the production process ordered by then.

From: Jesse Colorado Swanhuyser <jesse@sycamore.law>
Sent: Wednesday, November 1, 2023 1:29 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Cc: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Hill, Leslie (ENRD) <Leslie.Hill@usdoj.gov>; Daniel Cooper <daniel@sycamore.law>; Philip Gregory <pgregory@gregorylawgroup.com>; William Harrison <wharrison@hamlaw.net>; Jason R. Flanders <jrf@atalawgroup.com>; J. Thomas Brett <jtb@atalawgroup.com>
Subject: [EXTERNAL] Wai Ola Alliance, et al. v. Department of Defense, et al.: Meet and Confer Request re: Document Production

Counsel,

Please see attached.

j.

--

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